

**BSP Training
BILINGUAL STAFF, CONTRACT INTERPRETERS
& BILINGUAL PAY**

INTRODUCTION

To assist departments in providing access to State government information and services, it may become necessary to utilize individuals that possess bilingual fluency in one or more non-English languages. In the event state departments come into contact with members of the public, that are limited-English proficient (LEP), the use of interpreters may become necessary to ensure that language barriers do not preclude equal access.

State departments may have a variety of bilingual resources available to assist in serving its LEP customers, depending on their identified language needs. This training class will discuss the use of interpreter services, whether it is provided by state employees or outside interpreters, as well as bilingual pay requirements. The intent is to assist departments in understanding what interpreter resources are available, and how to maximize use of these resources within the department.

INTERNAL/DEPARTMENTAL INTERPRETER RESOURCES

Many individuals use the terms interpreter and translator interchangeably, but these are two different distinct functions. The provision of **interpreter** services involves the **verbal** (person-to-person and telephonic) communication of information between two different languages (usually English and a non-English language). Whereas, translator services are the **written** (read and write) communication between two different languages. Other types of interpreter and translator services are those used for communicating with an individual that is hearing-impaired or deaf. This can involve the use of American Sign Language, or the Relay Service, which are the equivalent to interpreter services. Alternatively, the use of TTY/TTD machines which are typewritten communication devices attached to telephones, and then Braille, which is the translation equivalent for visually-impaired or blind individuals.

Internal interpreter resources that are available in state departments may include:

1. **Bilingual State Employees:** The most common interpreter resource within state departments are their own employees that possess bilingual skills. These individuals are the primary source utilized by departments in serving their LEP customers. The use of bilingual employees ensures timely and accurate access to the department's information and services. These individuals are familiar with the subject-matter and, in most cases, are readily available to provide the service.

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The use of bilingual employees as interpreters should be limited to those individuals that have taken and passed an oral language fluency exam for the language in which they will serve as an interpreter. These individuals will be referred to as “**certified**” bilingual employees. The department may also employ individuals that have not taken and/or passed an oral language fluency test, but have self-identified bilingual fluency. These individuals will be referred to as “**non-certified**” bilingual employees. While the department may choose to utilize non-certified employees to assist its LEP customers, it is recommended that interpreter services be provided through the use of certified bilingual employees to ensure that an adequate level of access is provided.

2. **Student Assistants, Seasonal and other temporary workers or volunteers:** These individuals may be available to the department during particular times of the year and may also possess bilingual language fluency. These individuals can have their bilingual skills tested and certified so that they are available to assist LEP individuals that contact your department during peak workload times.

To ensure that all staff have access to the department’s internal interpreter resources there are a number of methods for disseminating this information. The intent should be to ensure that all public contact employees have ready access to this information, in the event they encounter an LEP customer. One of the best ways to make the information available is through a master listing of internal interpreter resources. The listing should include information that identifies: the name and contact information for all bilingual staff; whether the individual is certified or has self-identified his/her level of fluency; and the language(s) spoken. A sample list is shown below:

**ONE STATE DEPARTMENT
Departmental Interpreter Resources**

Name	Unit & Location	Contact Info	Availability	Certified or Level of Fluency	Language
Juan Valdez	Investigations Unit - Los Angeles	(213) 555-1234	M-F 8:00 –5:00	Certified	Spanish
Jennifer Winn	Customer Service – Sacramento	(916) 555-2390	M-Th 7:00-6:00	Certified	Vietnamese
John Wong	Public Relations – Sacramento	(916) 555-5689 or jwong@anydept.gov	M-F 7:00 – 3:30	Certified Self-Identified – Understands but marginal speaking	Mandarin Cantonese
Jane Marino	Claims Unit – San Francisco	(415) 555-7654	M-F 8:00 – 4:00 (Sept-May)	Self-Identified – Very Fluent	Italian

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To make the master listing easily accessible, the department can:

- Place on its Intranet Web site;
- Provide a copy to all employees at regular intervals (e.g. quarterly);
- Include as an attachment to the department's Language or Bilingual Services Policy; and/or
- Incorporate into new employee orientation packages.

The listing should also be updated regularly, as the information is only a valuable resource if your employees know about its existence and the information is current.

EXTERNAL/CONTRACT INTERPRETER RESOURCES

Outside interpreter resources are commonly utilized by state departments when they do not have access to certified bilingual staff within their agency. Even when a department employs bilingual staff, the use of contract interpreter services can supplement the department's access to qualified interpreters for languages in which it does not have internal certified resources.

The use of contract interpreter services is a valuable resource for departments in ensuring they can respond to any LEP contact. The use of interpreter services contracts are recommended for:

- **Small (50 employees or less) and medium-sized (51-300 employees) departments** that receive few public contacts, of which fewer are with LEP individuals. In many of these instances, departments are not required to employ bilingual staff and typically do have internal resources available. The use of contract interpreters provides these departments with access to qualified interpreters for any language need that might arise. There is usually no cost to departments, unless the services are utilized. In the event they are needed, it typically costs between \$.50 to \$2.00 per minute.
- **Medium and large-sized (over 300 employees) departments** might utilize contract interpreters for providing access in the languages for which it doesn't receive significant numbers of contacts and does not have internal resources available.
- **Departments with special circumstances or needs.** Such as a department that operates 24 hours, daily. For these departments, their internal bilingual staff may not be accessible during certain shifts and/or

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holidays. The use of contract interpreters can be utilized to meet the department's additional language needs

- **Temporary access to qualified interpreters in addressing immediate language needs.** An example may be when a department has identified a language need and will utilize contract interpreters until such time as it can hire and/or test an internal employee to meet the ongoing language need.
- **Need for specialized terminology.** An additional factor the department should consider when deciding to utilize certified bilingual employees or outside contract interpreters is to identify the program areas where the interpreter services are required. The intent should always be to provide an appropriate level of interpreter services to meet the need. This might necessitate identifying the level of language skill/expertise needed. In other words, will the interpreter need to be knowledgeable of specific terminology that may be of a technical nature?

The oral fluency tests administered by state agencies are typically designed to measure and evaluate an individual's ability to interpret conversations of a general nature. Some departments have developed oral fluency exams that include specific terminology that relates to the functions of their departments. You should identify what, if any, specialized terminology is required and then determine what is the best source for ensuring quality interpreter services.

- **Administrative and Medical Hearings or other types of legal proceedings such as license revocations.** The use of medical and/or legal terminology often requires an interpreter that possesses knowledge of the applicable terminology. Given the adverse impact that can result from inadequate interpreter services in these types of settings, it is recommended that departments utilize certified interpreters that have passed a fluency examination that measures and evaluates the requisite knowledge and abilities. Government Code Section 11435 provides information relative to the use of certified interpreters for administrative and medical hearings. The SPB is responsible for certifying these interpreters, and currently contracts with the Cooperative Personnel Services (CPS). Departments can access additional information regarding use of these interpreters on its Web site at <http://www.spb.ca.gov/bilingual/InterpreterCert.htm>.

When a department determines that the use of outside interpreter services are needed, they can be obtained through a number of means. Some of the alternatives available to state departments may include:

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- Contract with an interpreter services company. There are numerous vendors that offer this type of service. Depending on the dollar amount of the interpreter services work, you may need to go through the state's contracting process. There is also a small business and/or expedited process that you might also be able to use. There is a list of small business vendors available on the Department of General Services (DGS) Web site.
- Service Orders can be utilized for interpreter services when the cost is under a specific dollar amount. There are a number of CMAS vendors on the DGS Web site.
- Partnerships with other state agencies that have existing contracts. Many small agencies contract with larger state agencies for administrative support. The larger agency might have an existing contract in place that they agree to allow your department to use.
- Agreement with BSP to utilize its interpreter services contract. The BSP will allow smaller state agencies, upon written approval, to utilize a general interpreter services contract it has entered into. Approved state agencies would be able to utilize these interpreter services one time, at no cost. Any additional usage would be provided on a cost reimbursable basis. The BSP would monitor department's use of the contract, and if excessive, recommend the department enter into its own agreement for interpreter services. The intent of this service is to provide a means of access to interpreter services for those departments, because of size and/or the infrequent need for interpreters, to have a readily available resource in the event it is needed.

Access to the information described above, as well as sample documents that are recommended when entering into a contract or service agreement for interpreter or translation services, are available on the BSP Web pages at <http://www.spb.ca.gov/bilingual/ContractingInfo.htm>. Additionally, there are links to the DGS Web site that relate to the contracting process and vendor lists. We recommend that you consult with your business services and/or contracting units to determine the best alternative and contracting requirements for obtaining outside interpreter services.

BILINGUAL PAY

The issue of bilingual pay is one of the areas in which there are many questions by both departments and bilingual employees. Many employees misunderstand the process for obtaining eligibility for bilingual pay and managers and supervisors are unclear as to when it is appropriate to request/approve pay. It should be noted that bilingual pay is a compensation issue and, as such, is under the responsibility of the Department of Personnel Administration (DPA). While

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the State Personnel Board (SPB) does provide some general information and guidelines as to the eligibility criteria for bilingual pay, it is ultimately the DPA's responsibility to set these standards. This document can be used for reference purposes; however, any questions or need for clarification should be directed to the Department's Personnel Office who can request assistance from the DPA, as needed.

Some of the most commonly asked questions from employees and supervisors are:

- **What is Bilingual Pay?**

Bilingual pay is a pay differential that serves as compensation for any bilingual state employee that has been certified as fluent in a non-English language **and** where the employing state department has determined he/she meets the established criteria.

- **What are the established criteria for receiving bilingual pay?**

The specific criteria for receiving bilingual pay are contained in the Pay Scales under Pay Differential 14. Minimally, in order to receive bilingual pay:

- An employee must be employed in a position that is required to use their bilingual skills on a continuing basis at least 10% of the time;
- and**
- The employee must have taken and passed a bilingual fluency test administered by the SPB or other SPB approved testing authority.

Additional information regarding bilingual pay and use of bilingual fluency are contained in some unit's collective bargaining contracts.

- **How do I determine if an employee meets the 10% requirement?**

The supervisor should have the employee track their use of bilingual skills for at least four to six weeks to arrive at a weekly average. This can be done by having the individual count each bilingual contact he/she receives and then track the time spent on each of these contacts. You can also count time using the skill for other tasks, such as conducting bilingual fluency exams. If it appears that the employee spends an average of 4 hours weekly or more, the employee would meet the 10% criteria.

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- **What bilingual fluency test does an employee have to pass to be eligible for bilingual pay?**

The State Personnel Board is responsible for administering bilingual fluency examinations. However, many departments have been provided with delegated testing authority to conduct their own examinations. You should consult with your Personnel Office to determine if your department has delegated testing authority for the language desired or consult with the Bilingual Services Program (BSP) to locate approved testing entities for the applicable language. A listing of the state agencies with fluency testing and the languages is also available on the BSP's Web pages at <http://www.spb.ca.gov/bilingual/documents/DelegatedTstngLang.pdf>

- **Once I establish a need, how do I request bilingual pay for an employee?**

The supervisor should contact the department's Personnel Office to obtain a Bilingual Pay Authorization form (STD 897). This is the document that is used to identify: the language needed; the individual's bilingual fluency; the duties performed that require the use of bilingual skills; and the time spent utilizing the bilingual skills, as applicable. A copy can be accessed on the BSP Web pages at <http://www.spb.ca.gov/bilingual/InterpreterCert.htm>

- **I have a vacant bilingual position in which the previous incumbent was approved to receive bilingual pay. The person I hired to refill the position is certified as bilingual. Do I have to justify bilingual pay for the new employee?**

You will have to complete a new Bilingual Pay Authorization form (STD 897) for the new employee. Once a position has been established as meeting the criteria for bilingual pay, you may not have to submit justification to re-establish the need for bilingual skills. However, whenever you refill a position designated as bilingual, you should always evaluate whether or not any changes have occurred that might impact the need for bilingual skills. Supervisors should work with the Personnel Office before announcing the vacancy. This will assist you in ensuring that bilingual skills are still required and recruiting individuals that possess the bilingual skills required for the job.

- **An employee I just hired informed me that she is certified as bilingual and was receiving bilingual pay in her previous department. She wants to know if she will continue to receive bilingual pay in her new job.**

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Does she continue to receive her bilingual pay even if this job does not require use of bilingual skills?

An employee receives bilingual pay based on the requirement that his/her position requires the use of bilingual skills in the performance of his/her job at least 10% of the time. The employee is not entitled to receive bilingual pay, if the new position in your department does not meet the criteria. If you determine the employee's bilingual skills are needed within your unit/department, you would have to submit a new request to authorize the employee to continue to receive the bilingual pay differential.

- **If the language survey shows that I only received 5% of my public contacts in a non-English language, can I use that to deny bilingual pay because it is less than the 10% required?**

Many individuals erroneously apply the language survey data to determine the need to approve bilingual pay. However, the language survey is only a count of the number of contacts received by a unit, at a given time; not the time it takes to handle the bilingual contacts. For instance, a unit reported in the language survey that it received 40 (5%) Spanish language contacts. Based on this factor, many departments conclude that bilingual pay is not warranted, as it is less than the 10% requirement for pay. However, if you review the circumstances, you might find that the unit receives approximately four calls daily from Spanish-speaking individuals. These calls take the receptionist less than one minute each, to determine what the person needs and transfer him/her to the appropriate staff person. This would result in this individual spending 20 minutes weekly using his/her bilingual skills, which is less than the 10% criteria. Another staff person is responsible for responding to these four callers and takes approximately 15-20 minutes to handle each call. This results in the individual using his/her bilingual skill approximately 5-6 hours weekly, and thus, meeting the 10% criteria.

As noted in the above example, the time an employee spends utilizing his/her bilingual skill, should be used as the determining factor. Not solely the number of contacts or the language survey results. While these can be indicators that there might be a need to evaluate an employee's eligibility for bilingual pay, they are not the determining factors.

- **Two employees that work in my unit are certified with Spanish language fluency. The total time spent by both employee averages about 8% for each employee. Based on this, neither employee meets the criteria for bilingual pay. Can I approve bilingual pay?**

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The supervisor should review the overall needs of the unit to determine how much of the workload requires use of bilingual skills. If the total exceeds the 10%, then the supervisor can decide to assign the workload to one employee; and authorize that position for bilingual pay. It is the supervisor's responsibility to evaluate the workload and establish the total number of bilingual positions that should be approved for bilingual pay. If it is close to meeting the 10%, the supervisor might want to track the workload over a longer period of time or determine if there are other factors that should be considered (e.g., conducting quarterly bilingual exams, serving as back-up for other bilingual employees in their absence, peak workload periods, etc.).

- **One of the employees in my unit is certified as bilingual, but she does not use her bilingual fluency skills at least 10% of the time. She refuses to use her bilingual skill because she is not receiving pay. What should I do?**

Some unit's collective bargaining contracts provide that an employee, who does not receive bilingual pay, shall not be required to use bilingual skills. The supervisor should consult with the department's Personnel Office to assist in locating other bilingual employee(s) that are receiving pay, who might be available to assist with the unit's bilingual contacts. Additionally, the department might use outside interpreters for some languages that might be available for the occasional need. If you find that there is a recurring need for bilingual skills in a particular unit, you should conduct an ongoing survey to track the unit's bilingual needs. This will assist you in determining whether or not the needs are changing and you might now meet the 10% criteria on a recurring basis for a particular non-English language.